

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

REMARKS

Applicant respectfully requests reconsideration and allowance of this application in view of the following comments.

At the outset, Applicant acknowledges with appreciation that the previous rejections have been withdrawn.

The sole issue for consideration is the rejection of claims 4-8 under 35 USC § 112, first paragraph, as containing new matter. In response, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection, and pass this application to issue.

The Examiner has two main concerns:

- 1) The specification does not support the term “pressing” as used in the claims.
- 2) The term “molecules” does not encompass the element hydrogen.

In response to the Examiner's first concern, Applicant submits that there is, in fact, *ipsis verbis* support throughout the specification for the term "pressing." For example, Applicant would call the attention of the Examiner to page 2, last paragraph, line 6 therein, wherein it is clearly stated that "the reaction is performed by *pressing* the reaction mixture through the membrane." See, also, page 2, last paragraph, lines 16-17; and original claim 1, next-to-last line. Clearly, there is support in the original specification for "pressing."

As far as an importance attached to "pressing," Applicant would again direct the Examiner's attention to the instant examples, which are summarized in pertinent part in the following Table:

Table

| EXAMPLE | CATALYST | PRESSED? | STARTING MATERIAL | BY-PRODUCTS |
|---------|---------------|-------------|-------------------|---------------------------------------|
| 2 | Membrane (1b) | Yes | 2-Hexyne | 0% n-Hexane or 1-Hexene |
| 3 | Membrane (1b) | Yes | 2-Hexyne | 0% n-Hexane or 1-Hexene |
| 6 | Powder (1d) | No, Stirred | 2-Hexyne | 70% n-Hexane |
| 5 | Membrane (1b) | Yes | 1,3-Hexadiene | 0% n-Hexane or 1-Hexene |
| 7 | Powder (1d) | No, Stirred | 1,3-Hexadiene | Prevailing Product is n-Hexane |

In the inventive examples 2, 3 and 5, the reaction vessel was pressurized with hydrogen reactant, and, in this manner, the reactants were “pressed” through the membrane. Clearly, pressing the reactants through the membrane confers an unexpected advantage over unpressurized conditions, as are present in Maier.

In short, the specification as originally filed does, in fact, provide support for the term “pressing,” and, also, for the concept that “pressing” is advantageous.

With respect to the Examiner’s second concern, there is attached an excerpt from *Hawley’s Condensed Chemical Dictionary*, which defines “molecule” as “[a] chemical unit composed of *one* or more atoms.” Consequently, the term “molecule” is broad enough to encompass an element. However, it should be noted that hydrogen occurs naturally as H₂.

In view of the foregoing, Applicant submits that the Examiner would be fully justified to reconsider and to withdraw this rejection, and to pass this application to issue. An early notice that this rejection has been reconsidered and withdrawn, and the application allowed, is earnestly solicited.

Applicant believes that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

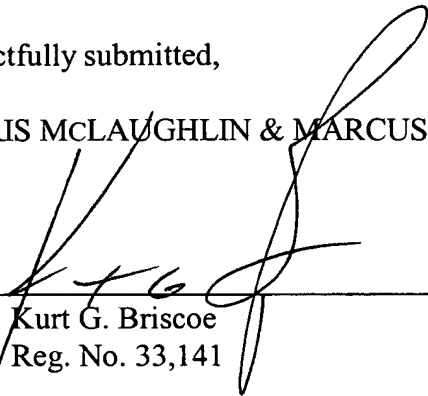
Applicant also believes that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS McLAUGHLIN & MARCUS, P.A.

By


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CERTIFICATE OF MAILING

I hereby certify that the foregoing Request for Reconsideration under 37 CFR § 1.111 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner of Patents, Washington, D.C. 20231, on the date indicated below:

Date: July 12, 2001

By


Kurt G. Briscoe